

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/399,696
Attorney Docket No. A8010

REMARKS

I. Introduction

Claims 1-21 have been examined and are rejected. Specifically, claims 1-4, 7-10 and 13-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,721,904 to Ito et al. (hereinafter “Ito”), in view of U.S. Patent No. 6,446,070 to Arnold et al. (hereinafter “Arnold”); claims 5, 11 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 4, 10 and 16, and further in view of U.S. Patent No. 6,535,878 to Guedalia et al. (hereinafter “Guedalia”); claims 6, 12 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 4, 10 and 16, and further in view of U.S. Patent No. 6,259,705 to Takahashi et al. (hereinafter “Takahashi”); and claims 19, 20 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 1, 7 and 13, and further in view of U.S. Patent No. 6,772,131 to Francis et al. (hereinafter “Francis”).

II. Claim Rejections – 35 U.S.C. § 103(a)

A. Claims 1-4, 7-10 and 13-16

As noted above, claims 1-4, 7-10 and 13-16 stand rejected under § 103(a) as allegedly being unpatentable over Ito, in view of Arnold.

As an initial matter, the subject matter of claims 4, 10 and 16 are incorporated into claims 1, 7 and 13, respectively. Accordingly, claims 4, 10 and 16 are canceled to avoid redundancy. Additionally, claims 5-6, 11-12 and 17-18 are amended to correct their dependency.

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As amended, claim 1 recites, *inter alia*, “...a plurality of Remote Method Invocation (RMI) servers...[that] form a server hierarchy.” The Examiner acknowledges that Ito fails to disclose or suggest any RMI servers (*see* Office Action: page 8). Instead, the Examiner alleges that Arnold makes up for these deficiencies of Ito. Neither Ito nor Arnold, however, whether alone or in combination, discloses a plurality of RMI servers forming a server hierarchy (*see for example*, page 43, lines 15-25 of Applicant’s specification).

The portions of Ito relied on by the Examiner (*see* Office Action: page 9), as allegedly disclosing these features of claim 1, instead relate to the processing of a single server, *i.e.*, name server 151 (Ito: col. 10, line 15). In Ito, a name server information processing system 150 includes a server information table (*see, e.g.*, Ito: Fig. 35) that holds identification information and addresses of server components (Ito: col. 10, lines 16-36). The server information table stores, for example, addresses, port numbers, and statuses for each of the server components (*Id.*). The status of a server component can be “RUN” if the server is in operation, “STOP” if the server is in a stationary state, and “FAULT” if the server is in a fault state (*Id.*).

The aggregation of data on various server components, as disclosed in Ito, does not correspond to a hierarchy of servers, let alone RMI servers. Furthermore, Arnold also fails to disclose a hierarchy of servers, let alone RMI servers, and thus does not make up for the deficiencies of Ito.

Accordingly, claim 1 is not rendered obvious by the proposed combination of Ito in view of Arnold. Claims 7 and 13, which are the other pending independent claims, recite features similar to those found in claim 1. Therefore, claims 7 and 13 are patentable over the proposed

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combination of Ito and Arnold, based on a rationale analogous to that set forth above for claim 1. Consequently, claims 2-3, 8-9 and 14-15 are patentable over the proposed combination of Ito and Arnold, at least by virtue of their dependency.

B. Claims 5, 11 and 17

As noted above, claims 5, 11 and 17 stand rejected under § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 4, 10 and 16, and further in view of Guedalia.

Guedalia fails to make up for the deficiencies of Ito and Arnold noted above for claims 1, 7 and 13. Consequently, claims 5, 11 and 17 are patentable over the proposed Ito, Arnold and Guedalia combination, at least by virtue of their dependency, as well as the additional features recited therein.

For example, claim 5 recites, *inter alia*, “upon receiving a request to add an additional RMI server, connecting the additional RMI server to an existing RMI server in the server hierarchy based on a number of connections of the existing RMI server.” Claims 11 and 17 recite similar features. The Examiner acknowledges that the Ito and Arnold combination does not teach or suggest these features; however, the Examiner alleges that Guedalia makes up for the deficiencies of Ito and Arnold (Office Action: page 9, *citing* Guedalia: col. 5, lines 3-16).

To the contrary, Guedalia merely describes limiting the maximum number of threads and limiting the maximum number of connections with respect to a server (Guedalia: col. 5, lines 3-16). Guedalia fails to teach or suggest that upon receiving a request to add an additional RMI

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server, an additional RMI server is connected to an existing RMI server (in a server hierarchy) based on a number of connections of the existing RMI server.

C. Claims 6, 12 and 18

As noted above, claims 6, 12 and 18 stand rejected under § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 4, 10 and 16, and further in view of Takahashi.

Takahashi fails to make up for the deficiencies of Ito and Arnold noted above for claims 1, 7 and 13. Consequently, claims 6, 12 and 18 are patentable over the proposed Ito, Arnold and Takahashi combination, at least by virtue of their dependency.

D. Claims 19-21

As noted above, claims 19, 20 and 21 stand rejected under § 103(a) as allegedly being unpatentable over Ito and Arnold, as applied to claims 1, 7 and 13, and further in view of Francis.

Francis fails to make up for the deficiencies of Ito and Arnold noted above for claims 1, 7 and 13. Consequently, claims 19, 20 and 21 are patentable over the proposed Ito, Arnold and Francis combination, at least by virtue of their dependency.

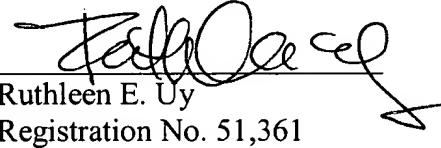
III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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